



Plenary sitting

B8-0179/2019

12.3.2019

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on a European human rights violations sanctions regime
(2019/2580(RSP))

Charles Tannock, Ryszard Czarnecki, Anna Elżbieta Fotyga
on behalf of the ECR Group

B8-0179/2019

**European Parliament resolution on a European human rights violations sanctions regime
(2019/2580(RSP))**

The European Parliament,

- having regard to the Council decision of 10 December 2018 to mandate the Commission to commence proposals for a European human rights violations sanctions regime,
- having regard to its previous resolutions calling for an EU-wide mechanism for imposing targeted sanctions against individuals involved in grave human rights violations, in particular its recommendation to the Council of 2 April 2014 on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case¹,
- having regard to its previous resolutions on Russia, especially that of 14 February 2019 on the situation in Chechnya and the case of Oyub Titiev²,
- having regard to its resolution of 12 March 2019 on the state of EU-Russia political relations³,
- having regard to its resolution of 12 December 2018 on the annual report on human rights and democracy in the world 2017 and the European Union’s policy on the matter⁴,
- having regard to its resolution of 13 September 2017 on corruption and human rights in third countries⁵,
- having regard to the report of 30 October 2018 of the Committee on Legal Affairs and Human Rights of the Council of Europe Parliamentary Assembly, entitled ‘Sergei Magnitsky and beyond – fighting impunity by targeted sanctions’,
- having regard to the Guidelines on the implementation and evaluation of restrictive measures adopted by the Council in 2003 and reviewed and updated in 2005, 2009, 2012 and 2017,
- having regard to its study of April 2018 entitled ‘Targeted sanctions against individuals on grounds of grave human rights violations – impact, trends and prospects at EU level’,
- having regard to the proposal of 14 November 2018 for a European Human Rights

¹ OJ C 408, 30.11.2017, p. 43.

² Texts adopted, P8_TA(2019)0115.

³ Texts adopted, P8_TA(2019)0157.

⁴ Texts adopted, P8_TA(2018)0515.

⁵ OJ C 337, 20.9.2018, p. 82.

Entry Ban Commission,

- having regard to Article 215 of the Treaty on the Functioning of the European Union (TFEU) on the adoption of sanctions against both third countries and individuals, groups and non-state entities,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the Dutch Government, supported by Germany and France, initiated a discussion among EU Member States in November 2018 on a targeted human rights sanctions regime at EU level, which would have a global remit; whereas on 10 December 2018 the Council mandated the Commission to commence proposals for a European human rights violations sanctions regime;
 - B. whereas Estonia, Latvia, Lithuania, the United Kingdom, Canada and the United States have adopted ‘Magnitsky laws’ enabling their governments to impose targeted sanctions such as visa bans and asset freezes on the perpetrators and beneficiaries of serious human rights violations; whereas Parliament has repeatedly called for the establishment of an EU-wide equivalent;
 - C. whereas the ‘Magnitsky laws’ were named after Sergei Magnitsky, the Russian tax and accountancy expert who was killed in 2009 while in pre-trial detention in Russia; whereas Mr Magnitsky had carried out investigations into a massive tax reimbursement fraud against the Russian State budget, perpetrated by the abuse of investment vessels belonging to the company of Mr Magnitsky’s client, Mr William Browder, by criminals benefiting from the collusion of corrupt police and tax officials;
 - D. whereas targeted sanctions do not create economic hardship for ordinary people and focus instead on the individual accountability of persons who are found to be directly responsible for the impugned actions; whereas many sanctions sceptics in Canada and elsewhere were finally convinced by arguments that allowing such individuals to enter our countries and allowing them to make use of our institutions, in particular our banks, in fact amounts to ‘aiding and abetting’ their reprehensible actions or helping them to enjoy the proceeds of their crimes; whereas in the words of British Prime Minister Theresa May, these people are ‘not welcome’ in our countries;
 - E. whereas such laws could be an instrument to fight against impunity and corruption, seen as threats to the rule of law; whereas the anti-corruption orientation of the Magnitsky legislation would provide a legal basis for the blacklisting of persons involved in corruption cases; whereas combating corruption and money-laundering are goals that feature as prominently as responding to human rights violations in the legal acts of those countries that have already adopted them;
 - F. whereas some national law-enforcement bodies have failed to hold the perpetrators of criminal offences to account; whereas in such cases an EU-wide policy of targeted sanctions would be highly effective;
1. Strongly condemns all breaches of human rights across the globe; urges the Commission to establish a legislative proposal for an EU-wide human rights sanctions regime before the end of the current legislature, which would allow for the imposition

of visa bans and targeted sanctions, such as the blocking of property and interests in property within the EU's jurisdiction, on individual public officials or persons acting in an official capacity, state and non-state actors and entities who are responsible for serious human rights violations;

2. Firmly believes that such a regime would be a valuable addition to the EU's existing human rights and foreign policy toolbox, and would strengthen the EU's role as a global human rights actor, notably in its fight against impunity and corruption, seen as threats to the rule of law, and in its support to victims of abuse and human rights defenders worldwide;
3. Stresses that the regime should enable restrictive measures, notably asset freezes and EU entry bans, to be taken against individuals or entities that are responsible for or involved in, or that assist, finance or contribute to the planning, directing or commission of, grave human rights violations or abuses; urges, in this sense, the establishment of a clear definition of the scope of violations in order to remedy the current situation;
4. Insists that decisions to list and delist individuals or entities should be based on clear and distinct criteria and directly linked with the crime committed in order to guarantee a thorough judicial review;
5. Stresses the need for all Member States to interpret the application of sanctions in the same consistent manner; calls on the Member States to collaborate with one another in identifying appropriate target persons, including by using the relevant Union mechanisms and by sharing information on persons included on sanctions lists and the grounds for their reasonable belief that these persons are responsible for serious human rights violations; stresses that human traffickers that profit from migratory flows should be sanctioned under such a regime;
6. Urges all Member States to adopt 'Magnitsky laws'; urges all Member States to issue visa bans against individuals listed in previously adopted 'Magnitsky laws' as a sign of solidarity with these EU countries and to put the EU on a par with its transatlantic partners, namely the US and Canada, where similar legislation is already in force;
7. Urges all Member States to implement Council decisions on restrictive measures against individuals and entities taken through the ordinary legislative procedure, and, in particular, the freezing of assets of individuals listed and the restrictions on admission in their respective territories as a result of violations of human rights;
8. Stresses that the criminal prosecution of the perpetrators of gross human rights violations through domestic or international jurisdictions should remain the primary objective of all efforts to combat impunity undertaken by the EU and its Member States; calls on the Council to include cross-border violations within the scope of this regime;
9. Calls on the Commission and the Member States to step up the fight against tax avoidance and tax evasion schemes, to close tax havens inside the EU and to support judiciary reforms in countries where the judiciary fails to cooperate in the fight against corruption, and, as preventive measures, not to 'aid and abet' reprehensible acts of foreign corrupt officials and criminal regimes by granting them the use of our countries' institutions and helping them enjoy their ill-gotten gains;

10. Calls on the Commission to dedicate adequate resources and expertise to enforcing and monitoring this regime once it is in place, as well as to devote particular attention to public communication about the listings, both in the EU and in the countries concerned;
11. Supports the efforts of civil society activists to establish such a regime and encourages discussion on the proposal for the setting up of a possible independent EU-level advisory committee;
12. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Secretary-General of the United Nations and the Secretary General of the Council of Europe.